

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES  
VIA TELECONFERENCE  
July 21, 2020 7:00pm**

**APPROVED**

**Conservation Members in Attendance:**

Chairman Donald Cooper, Vice Chairman Kevin Porter, Commissioner Tom Brady, Commissioner Ellen Townson, Commissioner Alix Driscoll, Commissioner Jon Honea and Commissioner Floyd Greenwood. Staff members present were Robert Douglas, Conservation Director and Ben Meade Conservation Agent.

**Chairman Cooper opened the Meeting with stating the protocol for remote participation and questions from the public.**

**SCHEDULED ITEMS:**

**118 Bellevue Road**

**Present in Interest:**

*Staff Recommendation: Approve*

Public Meeting on a Request for Determination of Applicability filed by **Stephanie Bosak** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed replacement of an existing screen porch with a 3 season porch with new footings; and a 4'x4' landing with stairs at **118 Bellevue Road**.

Mr. Meade presented this to the Commission. The proposed project is the replacement of an existing screen porch with a new 3 season porch with the same dimensions and a 4'x4' landing with stairs on the side of the house away from the wetland. The closest point to the wetland is 80 feet. The area around the existing deck is existing patio, lawn or landscaped areas.

Chairman Cooper asked for a Motion. Commissioner Townson made a Motion to Approve as a Pos.2b, Neg.3; it was seconded by Commissioner Brady and unanimously approved by Rollcall Vote:

Rollcall Vote:

D. Cooper – yes

T. Brady – yes

A. Driscoll - yes

J. Honea - yes

K. Porter – yes

E. Townson – yes

F. Greenwood – yes

## **12 Pleasant Street**

**Present in Interest: Roberto Macedo**

*Staff Recommendation: Approve*

Public Meeting on a Request for Determination of Applicability filed by **Roberto Macedo** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed extension of lawn area at **12 Pleasant Street**.

Mr. Meade presented this to the Commission. The project involves the extension of the existing lawn area into an area that is currently brush-covered with a few small trees. The closest point to the wetland is 30 feet. There will be a pre-construction meeting with staff and the landscaper prior to the commencement of work.

Chairman Cooper asked for a Motion. Commissioner Townson made a Motion to Approve; it was seconded by Commissioner Driscoll and approved by Rollcall Vote:

Rollcall Vote:

D. Cooper – yes

T. Brady – yes

A. Driscoll - yes

J. Honea - yes

K. Porter – yes

E. Townson – yes

F. Greenwood – yes

## **39 Dale Street**

**Present in Interest: Steve Golden, Richard Crowley, and Keith Saxon (via email)**

*Staff Recommendation: Approve*

Public Meeting on a Request for Determination of Applicability filed by **Steve Golden** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for an after the fact approval of construction of a stairway at **39 Dale Street**.

Mr. Douglas presented this to the Commission. Mr. Douglas reviewed the Enforcement Order issued for the installation of the stairs without a permit. Two peer reviews were required in the Enforcement Order, one review was funded and one was not. Mr. Douglas suggested Paul Finger conduct the environmental review and report back to the Commission for the next meeting. The Inspector of Buildings reviewed the stairs and determined they do not meet MA Code based on standards for park use. The safety consultant hired by the Commission found the steps to be compliant with the Park Service Code, which is generally used to evaluate landscape and trail steps. He did recommend the addition of four granite steps which would double the

### **12 Pleasant Street**

**Present in Interest: Roberto Macedo**

*Staff Recommendation: Approve*

Public Meeting on a Request for Determination of Applicability filed by **Roberto Macedo** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed extension of lawn area at **12 Pleasant Street**.

Mr. Meade presented this to the Commission. The project involves the extension of the existing lawn area into an area that is currently brush-covered with a few small trees. The closest point to the wetland is 30 feet. There will be a pre-construction meeting with staff and the landscaper prior to the commencement of work.

Chairman Cooper asked for a Motion. Commissioner Townson made a Motion to Approve; it was seconded by Commissioner Driscoll and approved by Rollcall Vote:

Rollcall Vote:

D. Cooper – yes

T. Brady – yes

A. Driscoll - yes

J. Honea - yes

K. Porter – yes

E. Townson – yes

F. Greenwood – yes

### **39 Dale Street**

**Present in Interest: Steve Golden, Richard Crowley, and Keith Saxon (via email)**

*Staff Recommendation: Approve*

Public Meeting on a Request for Determination of Applicability filed by **Steve Golden** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for an after the fact approval of construction of a stairway at **39 Dale Street**.

Mr. Douglas presented this to the Commission. Mr. Douglas reviewed the Enforcement Order issued for the installation of the stairs without a permit. Two peer reviews were required in the Enforcement Order, one review was funded and one was not. Mr. Douglas suggested Paul Finger conduct the environmental review and report back to the Commission for the next meeting. The Inspector of Buildings reviewed the stairs and determined they do not meet MA Code for buildings. The safety consultant hired by the Commission found the steps to be compliant with the Park Service Code, which is generally used to evaluate landscape and trail steps. He did recommend the addition of four granite steps which would double the width

width closest to the river. The wider steps will provide safe, stable footing for those accessing the River. The Inspector of Buildings confirmed he was in agreement with the safety consultant's report.

Additional steps should be added to have them comply.

Steve Golden addressed the Commission and apologized for not following the process. He would like to work with the Commission to correct the situation and asked to be included in the discussions with Paul Finger.

Chairman Cooper stated that the Commission needs Paul Finger's review before they can make a decision. He continued the hearing to August 4, 2020 at 7:00pm.

Commissioner Greenwood asked that the stairs be opened immediately as they are a big improvement over what was there previously.

Chairman Cooper stated that the Commission has been advised by the Inspector of Buildings and our peer reviewer that the stairs are not safe in their current condition.

Emails received from Keith Saxon during the hearing will be addressed by Staff.

### **23 Buttonwood Drive**

**Present in Interest: Kevin Casey**

*Staff Recommendation: Continue to August 4, 2020*

Public Meeting on a Request for Determination of Applicability filed by **Kevin Casey** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed construction of a 400 sq. ft. pool cabana, removal of trees and brush, grading and relocation of a fence at **23 Buttonwood Drive**.

Mr. Meade presented this to the Commission. The pool cabana triggers the By-Law with the 50 foot setback and the proposed location is 32 feet from the wetland boundary. The fence, tree clearing and shrub removal are approvable as they are 30 feet from the wetland boundary. The Applicant should revise their filing to meet the setback requirements and continue to August 4, 2020. Any Commissioners wishing to do a site visit can coordinate with Staff.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to continue to August 4, 2020; it was seconded by Commissioner Driscoll and unanimously approved by Rollcall Vote:

Rollcall Vote:

D. Cooper – yes

K. Porter – yes

T. Brady – yes

A. Driscoll - yes

F. Greenwood – yes

J. Honea - yes

## **12 Dean Circle**

**Present in Interest: Jenna Martin**

*Staff Recommendation: Approve*

Public Meeting on a Request for Determination of Applicability filed by **Jenna Martin** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed removal and replacement of an existing 12'x16' deck to be replaced in kind at **12 Dean Circle**.

Mr. Meade presented this to the Commission. The project is the removal and in kind replacement of the existing deck. The closest point to the wetland is 20-25 feet. With proper precautions there should be negligible effects on the wetland. Staff will work with the Applicant to include dimensions on their site plan and to include erosion controls and limit of work boundary.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to Approve as Pos.2b, Neg.3; it was seconded by Commissioner Driscoll and unanimously approved by Rollcall Vote:

Rollcall Vote:

D. Cooper – yes

K. Porter – yes

T. Brady – yes

A. Driscoll - yes

F. Greenwood – yes

J. Honea - yes

## **172 High Plain Road**

**Present in Interest: Dana Altobello**

*Staff Recommendation: Approve*

Public Meeting on a Request for Determination of Applicability filed by **Columbia Gas of MA** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed gas service connection at **172 High Plain Road**.

Mr. Meade presented this to the Commission. The proposed project is the installation of a gas service connection between the gas main under High Plain Road and the residence. The gas line will be installed via the Open Trench Method with erosion controls placed prior to

commencement of work. The closest point to the wetland is 40 feet. The wetland boundary was flagged as part of this application. Staff reviewed the flagging and it appears accurate. Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to Approve as Pos.2b, Neg.3; it was seconded by Commissioner Brady and unanimously approved by Rollcall Vote:

Rollcall Vote:

D. Cooper – yes

K. Porter – yes

T. Brady – yes

A. Driscoll - yes

F. Greenwood – yes

J. Honea - yes

### **174 Dascomb Road/1699 Shawsheen Road**

#### **Present in Interest:**

*Staff Recommendation: Approve*

Public Meeting on a Request for Determination of Applicability filed by **3 ABS, LLC** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed parking lot improvements including, restriping, addition of parking spaces and at **174 Dascomb Road/1699 Shawsheen Road**.

Mr. Douglas presented this to the Commission. The expansion will move into a landscaped area which is separated from the wetlands by an existing high concrete wall. There is existing parking within the 25 foot no disturb, but the project will not enter the 25 foot no disturb. To maintain drainage and infiltration the project will use gravel.

Commissioner Greenwood asked if language could be added to the Special Conditions regarding snow storage.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to Approve as Pos.2b, Neg.3 as discussed; it was seconded by Commissioner Honea and unanimously approved by Rollcall Vote:

Rollcall Vote:

D. Cooper – yes

K. Porter – yes

T. Brady – yes

A. Driscoll - yes

F. Greenwood – yes

J. Honea - yes

### **West Elementary School, 54, 54R and 60 Beacon Street**

**Present in Interest: Janet Nicosia, John Hart, Lorraine Finnegan, Brian DeFilippis and Mary Rimmer**

*Staff Recommendation: Continue to a Date Uncertain for Peer Review*

Public Hearing on the Abbreviated Notice of Resource Area Delineation filed by **Town of Andover School Department** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 to confirm the wetland boundary at **54, 54R and 60 Beacon Street**.

Mr. Douglas presented this to the Commission. This is a substantial wetland system with a series of bordering and isolated pockets. Staff recommends a peer review.

Mary Rimmer provided the wetland area review of the site.

Commissioner Brady expressed his concern with a wetland delineation during a Level 2 drought and the effect the project at 90 Beacon Street can have on this property and the wetlands.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to continue to a date uncertain for peer review; it was seconded by Commissioner Driscoll and unanimously approved by Rollcall Vote:

Rollcall Vote:

D. Cooper – yes

K. Porter – yes

T. Brady – yes

A. Driscoll - yes

F. Greenwood – yes

J. Honea - yes

### **5 Tucker Road**

**Present in Interest: Dennis Griecci**

*Staff Recommendation: Continue*

Public Hearing on a Notice of Intent filed by **Anton Miller, SAI Builders, LLC** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed construction of a single family home with appurtenant lot grading, utilities, septic system and landscaping at **5 Tucker Road**.

Mr. Meade presented this to the Commission. This is not ready for review. Per the Health Department, a well has to be installed as a potable source of water is needed before a building permit can be issued. More test pit data are needed within the area of the proposed leach field; and a larger pump chamber may be needed. A revised plan will be submitted for this lot.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to continue to August 18, 2020; it was seconded by Commissioner Driscoll and unanimously approved by Rollcall Vote:

Rollcall Vote:

D. Cooper – yes

K. Porter – yes

T. Brady – yes

A. Driscoll - yes

F. Greenwood – yes

J. Honea - yes

### **100 Federal Street**

**Present in Interest: Mark Johnson, Warren Cochrane, Matt Costa and Larry Beals**

*Staff Recommendation: Continue for peer review*

Public Hearing on a Notice of Intent filed by **Robert Fay, Sarepta** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed repaving of the northeastern parking area, installation of new irrigation well, new lighting poles and conduit, new lighting at site entrance and flags; installation of emergency blue phone and conduit; installation of a dual vehicle charging station and conduit; and upgrades to existing stormwater management system at **100 Federal Street**.

Mr. Douglas presented this to the Commission. The proposed project will repave without changing any grades and will be adding stone trench along the northeast edge of the parking area which will remove suspended solids and provide stormwater recharge. Sedimentation controls will be used as well as catch basin guards. Oil and debris separators will be added to all catch basins. The permit from the Board of Health for the well was received today. The repaved driveway will be within the existing pavement lines and falls within the 50 foot and 100 foot buffer. All work in the buffer zone is in previously disturbed areas.

Matt Costa reviewed the 2019 flagging on the proposed site.

Mark Johnson asked for the scope of the peer review to be determined prior to funding.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to continue to a date uncertain for peer review; it was seconded by Commissioner Driscoll and unanimously approved by Rollcall Vote:

Rollcall Vote:

D. Cooper – yes

K. Porter – yes

T. Brady – yes

A. Driscoll - yes

F. Greenwood – yes

J. Honea - yes

**14 Bristol Lane**

**Present in Interest: Maureen Herald**

*Staff Recommendation: Approve*

Public Hearing on a Notice of Intent filed by **Mark and Danielle Ramsey** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed removal of an existing sun porch and patio; construction of an addition, inground pool with deck, fence, walkway, patio with pergola above, fire pit, shed, retaining wall, cut and removal of trees, grading and associated utilities at **14 Bristol Lane**.

Mr. Douglas presented this to the Commission. The filing is under the WPA only and complies with our setbacks, with the exception of the wall which is 31 feet from the wetland instead of 35. The shed is 44 feet from the wetland, the pool deck is 55 feet and the addition is 92 feet from the wetland. Maureen Herald informed the Commission that the retaining wall will be pulled back 5 feet.

Scott Kelloway will be the site monitor.

Commissioner Honea asked if non-disturb markers could be placed at the 25 foot buffer when the clearing for the retaining wall takes place.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to Approve as discussed; it was seconded by Commissioner Brady and unanimously approved by Rollcall Vote:

Rollcall Vote:

D. Cooper – yes

K. Porter – yes

T. Brady – yes

A. Driscoll - yes

F. Greenwood – yes

J. Honea - yes

**2-3 Dundee Park**

**Present in Interest: Dennis Griecci**

*Staff Recommendation: Continue*

Public Hearing on a Notice of Intent filed by **Dundee Office Park, LLC c/o Ozzy Properties, Inc.** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed reconstruction and repaving of a portion of an existing paved parking lot at **2-3 Dundee Park.**

Mr. Meade presented this to the Commission. The project is the reconstruction and repaving of an existing paved parking area in the Historic Mill District. The parking area is long established and the Applicant's representative has claimed an exemption from the full MA stormwater standards by stating this is a redevelopment project. Staff's opinion is that is a redevelopment project, however due to stormwater sheet flows from the existing parking area down a heavily forested slope to Rogers Brook, more can be done to improve the stormwater situation. The Applicant has offered to remove 900 sq. ft. of pavement in the wetland buffer, but based on current drainage paths of stormwater from the parking area, the Applicant will have to stabilize the area after pavement removal. The Applicant must respond to DEP comments and provide Staff with further information.

Dennis Griecci agreed to continue to August 18, 2020 on behalf of the Applicant.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to continue to August 18, 2020; it was seconded by Commissioner Honea and unanimously approved by Rollcall Vote:

Rollcall Vote:

D. Cooper – yes

K. Porter – yes

T. Brady – yes

A. Driscoll - yes

F. Greenwood – yes

J. Honea - yes

### **3, 3R and 4 Executive Place**

#### **Present in Interest:**

*Staff Recommendation: Continue to August 4, 2020*

Continued Public Hearing on a Notice of Intent filed by **Ballardvale, LLC** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed construction of 2 buildings with parking, landscaping, utility and stormwater management at **3, 3R and 4 Executive Place.**

Mr. Douglas presented this to the Commission. The abutters were not notified. Table to August 4, 2020 meeting.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to August 4, 2020; it was seconded by Commissioner Honea and unanimously approved by Rollcall Vote:

Rollcall Vote:

D. Cooper – yes

K. Porter – yes

T. Brady – yes

A. Driscoll - yes

F. Greenwood – yes

J. Honea - yes

### **15 Gould Road**

**Present in Interest: Dennis Griecci**

*Staff Recommendation: Continue*

Continued Public Hearing on a Notice of Intent filed by **15 Gould Road, LLC** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed construction of a single family home with barn, pool, sports court, grading, landscaping and utilities and a driveway crossing over a portion of a wetland resource at **15 Gould Road**.

Mr. Meade presented this to the Commission. Mr. Meade reviewed the notes from the July 7, 2020 meeting. On July 10, 2020 a site visit was conducted with Commissioners Porter, Greenwood and Driscoll. There was a concern about the clearing of trees and vegetation from the site and its effects on the wetland, groundwater, flooding etc. This is a By-Law project and meets all the applicable setbacks in the By-Law. Under the WPA, the Commission has jurisdiction of the 100 foot buffer zone and under the By-Law the buffer zone is a regulated resource area.

Commissioner Driscoll asked how many trees were to be cleared. Dennis Griecci agreed to locate trees within the buffer zone to be cleared and provide and updated plan.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to continue to August 18, 2020; it was seconded by Commissioner Driscoll and unanimously approved by Rollcall Vote:

Rollcall Vote:

D. Cooper – yes

K. Porter – yes

T. Brady – yes

A. Driscoll - yes

F. Greenwood – yes

J. Honea - yes

**ACTION ITEMS:**

**28 Salem Street**

Request for temporary cessation of site monitoring.

**6 Manning Way**

Request for a 3 year Extension to the Order of Conditions.

**2 Manning Way**

Request for a 3 year Extension to the Order of Conditions.

**5 Manning Way**

Request for a 3 year Extension to the Order of Conditions.

Vice Chairman Porter made a Motion to Approve the Action Items; it was seconded by Commissioner Driscoll and unanimously approved by Rollcall Vote:

Rollcall Vote:

D. Cooper – yes

K. Porter – yes

T. Brady – yes

A. Driscoll - yes

F. Greenwood – yes

J. Honea - yes

**CONSENT AGENDA:**

**Minutes**

Approval of Minutes from July 7, 2020.

**39 Argilla Road**

Request for a Certificate of Compliance.

**3 Hearthstone Place**

Request for a Certificate of Compliance.

Vice Chairman Porter made a Motion to approve the Consent Agenda, it was seconded by Commissioner Driscoll and unanimously approved by Rollcall Vote:

Rollcall Vote:

D. Cooper – yes  
T. Brady – yes  
F. Greenwood – yes  
J. Honea - yes

K. Porter – yes  
A. Driscoll - yes

**DISCUSSION ITEMS/ LATE ITEMS:**

**83 Porter Road**

Review and approval of restoration plan. Mr. Meade reviewed the Enforcement Order issued and hazard trees that were approved by Staff to be removed, all of which were dead or dying and a hazard to the home. The homeowner has submitted a restoration plan which staff has reviewed and finds appropriate. The work that triggered the Enforcement Order was the result of the removal of ash trees that had fallen onto a neighboring property. The homeowner has offered to plant two river birch trees to replace the fallen ash trees and will send Staff proof of their health over the course of two years. Also included is the agreement from the homeowner that wetland resource area and buffer be left undisturbed.

Commissioner Driscoll made a Motion to approve; it was seconded by Commissioner Brady and unanimously approved by Rollcall Vote:

Rollcall Vote:

D. Cooper – yes  
T. Brady – yes  
F. Greenwood – yes  
J. Honea - yes

K. Porter – yes  
A. Driscoll - yes

**11 Knollcrest Drive**

Review and discussion of wetland delineation.

The homeowners hired a wetland scientist to flag the wetland boundaries. Norse Environmental submitted a report that they found no wetlands or jurisdictional areas present on the property. Staff made a site visit, made observations and conducted soil analysis and agreed that there were no wetlands or jurisdictional areas on site. Staff recommends the Enforcement Order be lifted.

Vice Chairman Porter made a Motion to lift the Enforcement Order; it was seconded Commissioner Driscoll and unanimously approved by Rollcall Vote:

Rollcall Vote:

D. Cooper – yes  
T. Brady – yes  
F. Greenwood – yes

K. Porter – yes  
A. Driscoll - yes

J. Honea - yes

**Emergency Certification**

There was a water main break on North Main Street that required a repair overnight.

Vice Chairman Porter made a Motion to ratify the Emergency Certification; it was seconded by Commissioner Driscoll and unanimously approved by Rollcall Vote:

Rollcall Vote:

D. Cooper – yes

K. Porter – yes

T. Brady – yes

A. Driscoll - yes

F. Greenwood – yes

J. Honea - yes

**The meeting was adjourned at 9:08 pm by Motion of Commissioner Honea; seconded by Commissioner Driscoll and unanimously approved by Rollcall Vote:**

Rollcall Vote:

D. Cooper – yes

K. Porter – yes

T. Brady – yes

A. Driscoll - yes

F. Greenwood – yes

J. Honea - yes

**The next meeting is scheduled for August 4, 2020 at 7:00pm.**

**Respectfully Submitted,**

**Lynn Viselli,  
Recording Secretary**

Documents:

Consent Agenda

- Draft Minutes of July 7, 2020
- Email from Steve Golden
- Email from Jane Cairns
- Email from Rebecca Backman
- Email from Michael Dempsey
- Email from Susan Stott

- Email from Ken Doran
- Email from Ben Ardito
- Email from Chris Dunn
- Email from David Shorey
- Emails from Keith Saxon received during the meeting.

**Lynn Viselli**

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**From:** Steve Golden <shgolden@comcast.net>  
**Sent:** Tuesday, July 21, 2020 11:11 AM  
**To:** Robert Douglas  
**Cc:** Lynn Viselli  
**Subject:** Request copies of Study and letters submitted regarding the Dale Street Steps

Bob

Please share with me today if at all possible, the study completed on the safety of the steps at Dale Street and the letters submitted to the Commission regarding this topic. This will help me understand the discussion tonight.

Thanks

Steve

**Lynn Viselli**

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**From:** Steve Golden <shgolden@comcast.net>  
**Sent:** Tuesday, July 14, 2020 3:35 PM  
**To:** Lynn Viselli  
**Cc:** Robert Douglas  
**Subject:** Re: 39 Dale Street - Peer Review

I too would like the the hearing to go smoothly and sent Bob and Don Cooper the attached note on July 10, summarizing the actions I have taken to achieve the goals of the Enforcement Order. I would like to discuss my recommendation that the Conservation Department staff conduct the environmental review rather than a consultant.

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Note to Bob Douglas and Don Cooper  
Subject: Compliance with the enforcement Order regarding the Dale Street Steps

I am writing with respect to the Enforcement Order issued to me by the Conservation Commission on June 25 regarding the Dale Street steps. First, as I stated previously, I sincerely apologize for going forward with this project without the Commission's approval. I fully understand that it was an error on my part. Please know, however, that my only motivation for doing this project was to improve safety for the increasing number of users of the site, and to help control erosion. There was no personal or financial gain on my part and, in fact, I incurred costs in procuring the materials to construct the steps.

At this point, my hope is that we can move forward with a constructive resolution that further improves conditions at Dale Street and that has the Commission's approval. I also request that the order be lifted once the Commission's approval is granted.

To date, I have taken the following actions in compliance with the terms of the order:

- 1) On June 29, I submitted, a Request for Determination of Applicability, along with the filing fee. It included a variety of working drawings, maps, and photos of the site before and after the project.
- 2) I submitted payment to the Town to cover the cost of a peer review of the safety of the steps.
- 3) I have discussed with Conservation staff their recommendations of the necessary actions needed to further stabilize the site and to enhance the safety of the steps. I am prepared to proceed with these actions as soon as given permission by the Commission.

My primary concern at this point is with the requirement of the order that I fund a peer review of the environmental impact of the project. I have reviewed a scope of work proposed by LEC Environmental Consultants, Inc regarding the environmental impact of the project and its proposed fee of \$1,000. I do not believe that this would be money well spent considering the prior degraded condition of the slope. Money would be better spent on site improvements rather than on consultant fees. The Town Conservation staff routinely perform this type of assessment and considering the size of the site should be able to provide the necessary oversight and to direct the work. Although I strongly believe that the steps are a significant safety improvement, I am prepared to remove them and return the site to its prior condition if the costs of complying with the order become untenable. Thus, I respectfully request that the requirement of the order that I fund a peer review of

the environmental impact of the project be revised so it is completed by the Conservation Department staff.

I hope it is clear to you and the Commission that I am fully cognizant of the rules for working on Town property and the Commission's authority. I am willing to work with other volunteers to perform the approved improvements at the site, at my own cost. The goal has always been to reduce erosion, enhance public safety, and protect the Shawsheen River by expanding its constituency.

I would like to participate in the Commission meeting on July 21 so we hopefully can reach agreement on how to proceed and can constructively conclude the enforcement order.

Please share this letter with other members of the Commission.

Sincerely,

Steve Golden

On Jul 14, 2020, at 1:49 PM, Lynn Viselli <[lviselli@andoverma.gov](mailto:lviselli@andoverma.gov)> wrote:

Hi Steve,

I am following up on my email below. As you may remember, the peer reviews are a condition of the Enforcement Order and the Commission will be inquiring at your hearing on the 21st about the status of the peer reviews.

We are trying to make sure each hearing is ready to go with no issues to keep the Agenda moving along with such a large number of hearings for the 21st.

Lynn Viselli,  
Conservation Administrative Secretary  
36 Bartlet Street, Andover, MA 01810  
(978)623-8630  
[Conservation@Andoverma.gov](mailto:Conservation@Andoverma.gov)

-----Original Message-----

From: Lynn Viselli  
Sent: Wednesday, July 8, 2020 3:26 PM  
To: 'Steve Golden' <[shgolden@comcast.net](mailto:shgolden@comcast.net)>  
Cc: Robert Douglas <[rdouglas@andoverma.gov](mailto:rdouglas@andoverma.gov)>; Tom Urbelis ([tom.urbelis@andoverma.us](mailto:tom.urbelis@andoverma.us)) <[tom.urbelis@andoverma.us](mailto:tom.urbelis@andoverma.us)>  
Subject: FW: 39 Dale Street - Peer Review

Attached please find the proposal from LEC Environmental for a peer review of the environmental impacts of the stairway at 39 Dale Street.

Kindly forward a check in the amount of \$1,000 made payable to the Town of Andover at your earliest convenience. Upon our receipt of the funds, we will contact the peer reviewer to begin.

If you have any questions, please do not hesitate to contact our office.

Lynn Viselli,  
Conservation Administrative Secretary  
36 Bartlet Street, Andover, MA 01810  
(978)623-8630  
Conservation@Andoverma.gov

<doc00065520200708152310.pdf>

**Lynn Viselli**

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**From:** jane cairns <jcairns412@gmail.com>  
**Sent:** Friday, July 17, 2020 2:52 PM  
**To:** Cooper, Donald; Robert Douglas; Lynn Viselli  
**Cc:** Andrew Flanagan  
**Subject:** 39 Dale Street- Item 3, July 21 2020

July 17, 2020

**TO:** Donald Cooper, Conservation Commission Chair  
Robert Douglas, Conservation Director  
Lynn Viselli  
**CC:** Andrew Flanagan, Town Manager

I am writing to express my personal dismay and disappointment at recent actions taken by the Conservation Commission in response to the process and permitting violation made in the installation of the steps at the canoe/kayak launch site at 39 Dale Street.

First, as Mr. Douglas made clear in his opening statement on the matter at the June 18, 2020 meeting (but not reflected in the published minutes), these steps were not a project of the Andover Trails Committee. Our board did not approve or fund these steps and had no prior knowledge of their installation. I was thus surprised to see in the minutes that the item to "Separate Andover Trails from the Conservation Commission" was listed for inclusion in the Enforcement Order issued to Mr. Golden.

As you probably know, Andover Trails was founded in 1971, as an official town committee charged with the creation of an interconnecting network of walking trails through the town's public and private conservation properties. While we officially became a Massachusetts public charity in 2012, we have always considered support of the Andover Conservation Commission to be one of the most important parts of our mission. Over the past fifty years, our Board Members and volunteers have contributed thousands of hours of service: leading hikes, paddles, recreational events and clean-up projects in partnership with AVIS, the Memorial Hall Library, the Senior Center, The Andover Center for History and Culture, church and corporate volunteers, the town's public, private and home schools, and numerous scout groups. We have served as a non-profit fiscal agent for several important Conservation Commission grants and projects. We have advocated for and helped promote the town's conservation efforts and other Town Meeting agenda items. We currently have a ten-member Board, dozens of supporting donors, and an informal membership numbering in the thousands. We are proud that our support includes many of Andover's newer and diverse residents.

It baffles and saddens me that any Commissioner would see the need to "separate" Andover Trails from the Conservation Commission. This unwarranted attack on our reputation and our relationship with the Town has had, frankly, a chilling effect on the enthusiasm of our volunteer base.

I respectfully request that the Conservation Commission explain how and why language regarding Andover Trails was included in the public description of the Enforcement Order to Mr. Golden, and if this was done inadvertently or as a clerical error, that a public apology be made.

Second, as a citizen of Andover, I find the Commission's decisions to censure Mr. Golden and especially the requirement that he fund a \$1000 environmental impact study to be both excessive and unnecessarily belligerent. The proper response to a process violation on a project intended to improve public safety and prevent further erosion on a site already approved for public use, at a time of very heavy usage during the public health crisis, would be an assessment by the town's Conservation staff. Any additional work on erosion control or expansion of the steps deemed necessary could

have been performed easily, without rancor or the need to block public access and enjoyment of the Dale Street launch site. Instead, the Commissioners have chosen to escalate this matter into what appears to be a shocking and unprofessional vendetta against Mr. Golden personally. I find these actions particularly reprehensible during this time of great emotional pain, stress, and tumult, when so many people in our community are looking for safely distanced and close-to-home outdoor activities.

I will be watching the Virtual Commission meeting broadcast on July 21. Please share this letter with the other Commissioners.

Sincerely,  
Jane Dietzel-Cairns  
2 Nicholas Circle  
Andover

[Jcairns412@gmail.com](mailto:Jcairns412@gmail.com)  
978-265-0699 (cell)

Board President  
Andover Trails

Sent from [Mail](#) for Windows 10

To: Robert Douglas, Director of Conservation, Town of Andover [rdouglas@andoverma.gov](mailto:rdouglas@andoverma.gov)  
Donald Cooper, Chair, Andover Conservation Commission [dcooper@nixonpeabody.com](mailto:dcooper@nixonpeabody.com)

CC: Andrew Flanagan, Andover Town Manager [aflanagan@andoverma.gov](mailto:aflanagan@andoverma.gov)  
Lynn Viselli, Conservation Division [lviselli@andoverma.gov](mailto:lviselli@andoverma.gov)  
Please forward to all Conservation Commission Members

Re: River Access at 39 Dale Street

As a long-time outdoor enthusiast who has canoed and kayaked in waters around the United States, I enjoy spending time on the Shawsheen River. Having viewed the wooden and stone steps constructed without permission at 39 Dale Street, and being familiar with their history and the various perspectives informing consideration of the Commission's Enforcement Order, I have some suggestions.

First, in my opinion the steps are poorly designed for their intended purpose. They are too narrow, too steep, and too irregular to serve well as a means of getting a heavy craft to and from the river. The steps are particularly awkward for maneuvering a canoe, typically carried by two people standing alongside as they hold on to a deck or a thwart. And for anyone who is neither strong nor young, or who is trying to convey a canoe on their own, the current design encourages dragging along the slopes, creating erosion-prone gulleys. If there were no better place to put these steps, it would be worth considering an extensive redesign. **But since there is a preferable site, in my view the steps should be removed.**

Second, a preferred launch site has previously been identified just upstream from the site of the steps. The alternative site has had its share of informal public use in the past, principally because it offers a much shorter elevation from the water. Converting it to a formal access would require fewer steps and afford a less steep entrance to the river, allowing more people to have an easier and safer way to get on the river. I understand that it is frequently the practice of the Commission to respond to requests by volunteers or groups to undertake improvements on Conservation land. But the Commission is also in a position to initiate improvements, and this is an occasion when, I believe, the Commission would be well-advised to designate the preferred site and solicit one or more designs, as well as volunteer assistance and/or private contributions, to expedite implementation. The final design of the improvement would benefit from the most critical feature of your procedures, utterly ignored by the subject of your Enforcement Order in the furtive construction of the unpermitted steps: public input.

I also want to commend the Commission for both your steadfastness and your restraint in pursuing an Enforcement Order. As an Andover resident who has lived for more than four decades in a resource area within the Commission's jurisdiction, I am indebted to the Commission for your often thankless work to protect Andover's rivers, ponds and wetlands. The issuance of your Enforcement Order was and is a predictable and necessary component of safeguarding Andover's natural resources. Indeed, given the vastly greater punitive measures at your disposal, a mild censure and a reasonable mandate for review and restoration are wholly appropriate.

Rebecca Backman  
19 Pomeroy Road  
Andover, MA 01810  
978-475-5679  
[raback@ix.netcom.com](mailto:raback@ix.netcom.com)

# Michael Dempsey

18 Robandy Rd • Andover, MA 01810

Date: July 16, 2020

To: Andover Conservation Commission  
Cc: Conservation Director; Town Manager  
Subject: Dale St

Dear Commissioners:

This is my tenth year as a resident of Andover. I am now one of a group of volunteers who spend a significant amount of personal time, effort, and money working to help maintain and enhance community benefits offered by our significant open spaces and the land and river trail systems. This is also my second year as treasurer for Andover Trails. My awareness, interest, and motivation, and that of many others, was sparked by what Steve Golden showed me was available right here in our community.

My own focus and energy has been directed mostly to river activities over the past three years. I am also in close contact with our SRWA neighbors and others in Tewksbury and Billerica to help facilitate enjoyment and appreciation of the Shawsheen. I strongly believe there is an important feedback loop between using and caring – those characteristics reinforce each other. Related and integrated initiatives support the goals to grow a constituency of concerned citizens and achieve a positive experience of using and caring for the Shawsheen. Those initiatives include: trash and debris cleanups; effective access and launch spots for paddling and fishing; safe passage for paddlers in low to high water levels; improving ease of use (ex. boat racks to mitigate the chore of lugging boats especially for an aging demographic); necessary maintenance to provide consistency and continuity.

The Shawsheen was essentially impassable to paddling at the start of 2018. The lower Tewksbury section was clogged throughout at very short intervals. This blocked a common paddle route from Rt 38 to Ballardvale. The section from Shawsheen Pines to Ballardvale was an obstacle course of difficult maneuvers. The area downstream of Dale St was a hopscotch game of major obstacles that severely limited use of the stretch between Central St (Abbot Bridge Dr) and Dale St. A large and continuous volunteer effort was required to enable decent passage in these areas. That effort facilitated a revival of increased interest and use. It led to the opportunities to run organized paddle events in 2019 and to offer boat racks to help serve the renewed interest in the river.

The Dale St launch spot is well known for the difficulty getting up and down. It is one of only three public access spots for paddlers in town with no public access below Central St. The context that led to the installation of the steps is critical. As coronavirus exploded in the spring and society locked down it became clear that more of our neighbors would seek solace and some element of safety in outdoor activities. A sense of mission and urgency developed among caring and motivated folks about “what can be done to contribute” as the weather improved and more people got outside. The many past discussions about improving the Dale St launch spot evolved into the Steps project. The only intent was to make an improvement and community benefit in the midst of coronavirus, not to bypass or disrespect the Commission. I do not see any conflict between this modest improvement and the potential future re-imagining of the Dale St. property that is not even close to imminent realization. In fact some simple

improvements now can help point the way to a larger vision. In any case, this incident would not have occurred if not for the coronavirus lockdown. That is the reality.

This moment and this matter offered the Commission an opportunity to demonstrate community leadership during a difficult time. It was at least an opportunity for the Commission to provide better clarity and guidance on the distinction between the types of activities that can be managed administratively and those that require formal permitting and a hearing. If every clipping of bittersweet and poison ivy, every judgment on the placement of a boat rack, every decision on the river to make paddling passage easier and safer is micromanaged by a lengthy process of permitting and hearings, then the likely consequence is a paralysis of procedural pontification and a complete disengagement of the volunteer community. What exactly are the Commission's goals?

As a resident and active volunteer I have not observed the kind of leadership and productive guidance that I expect from the Commission. The enforcement order was a pointed message of punishment from the Commission for a procedural disagreement. Incidentally the order also improperly conflated the installation of the steps and the location of the additional boat rack as part of the same matter instead of separate matters. As if not enough, the Commission continued with a gratuitous and vindictive censure on someone who has made positive contributions to the community for years. Steve openly accepted the primary responsibility, stuck his neck out, and the Commission saw fit to gratuitously bring down the bureaucratic guillotine on him personally.

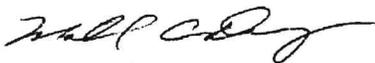
We now must resolve the dilemma. A practical and productive path forward is only possible if we dispense with the acrimony and objectively focus on appropriate tradeoffs. I see 2 solutions to the matter at hand:

- Keep the steps and make reasonable remediations. The objective evidence is that the access spot is improved from prior conditions. The scales tip to this option as being the most effective in my view. Or,
- Remove the steps and return the slope to prior conditions with best efforts.

I expect that a Conservation Director, Conservation Agent, and seven Commissioners have enough combined thoughtfulness and reasoned judgment to reach an informed and objective conclusion. I do not see how more studies, consultants, or punitive measures add value or contribute to the larger picture of how best to move forward.

I am hopeful and expect that future engagements will be characterized by improved collaboration and effectiveness. A partnership of trust between town offices, private groups, and volunteers is vital to healthy and constructive community involvement and progress.

Sincerely,



Michael Dempsey

**From:** Susan Stott <sgstott@icloud.com>  
**Sent:** Saturday, July 18, 2020 9:31 AM  
**To:** Donald Cooper; Alix Driscoll; Floyd S. Greenwood; Kevin Porter; ellen townson  
**Cc:** Andrew Flanagan; Robert Douglas; Lynn Viselli  
**Subject:** Shawsheen access

Dear Members of the Andover Conservation Commission,  
At his request I wrote Bob Douglas my thoughts about the Dale St steps June 16, pasted in below, but now Steve Golden has asked me to write as well.

My thoughts now are not about the steps, but about the importance of the Andover Conservation Commission, Andover Trails, AVIS and the Shawsheen Greenway to open space and recreation in Andover. As you know, AVIS and the Conservation Commission have bumped heads from time to time in the past, but we know if we collaborate and work together we provide more benefit to the Town. I understand that Steve has agreed to make the changes requested by the Town at his expense. The challenge now is how to restore the relationship, improve communications and move forward together. I personally think the future is more important than the past. I hope that when the new open space committee/task force is populated it will help us communicate more frequently, not only about land acquisition and protection, but also about trail maintenance and stewardship. We know our open space has never been more important to the Andover community. I personally have appreciated the Shawsheen in my kayak, upstream of Ballardvale, more than ever this spring. Steve has been working hard since his retirement to make the Shawsheen a more visible and important part of life in Andover.

I hope you will continue to heal the wounds.  
Thank you, Susan

Susan Stott  
30 Pasho St.  
Andover, MA 01810  
[sgstott@iCloud.com](mailto:sgstott@iCloud.com)  
978-886-9849

PS I do not have e-mail addresses for every member of the Commission and ask Lynn to share this e-mail with those I have missed.

June 16

Hi Bob,  
I visited the Dale Street steps with John Hess this afternoon. John will give you his opinion of the steps (good for hikers), with his AVIS hat on.

I will give you my thoughts on the steps with my kayaker's hat on. I am almost 80 and usually paddle alone. Therefore, I have wheels for my kayak to move it from my car to the river if I have to go any distance. I do not drag my kayak, so wheels are important. I would not be able to take my kayak safely down those steps. I usually look for a put in when I can roll my kayak up

next to the water (Shawsheen Pines and River St. are good examples) and then slide my kayak in. If I were 20 years younger and stronger, or going out with someone else, I might use those steps, one of us at each end of my boat.

Hope this is helpful. Susan

**Lynn Viselli**

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**From:** Ken Doran <ken.doran451@gmail.com>  
**Sent:** Wednesday, July 15, 2020 12:25 PM  
**To:** Robert Douglas; dcooper@nixonpeabody.com  
**Cc:** Andrew Flanagan; Lynn Viselli; Ken Doran  
**Subject:** Enforcement Order at Dale Street  
**Attachments:** River Access Steps.docx

I am writing this email as a result of the Enforcement Order Issued by the Conservation Commission on June 25 regarding the Dale Street steps. Attached is a letter addressing my position concerning this matter. I understand that the next meeting of the Commission is July 21 concerning this matter and want my position to be presented prior to that meeting.

Please share this letter with other members of the Commission.

Sincerely,

Ken Doran, *Andover's Shawsheen Riverkeeper*  
451 Mt. Vernon Street  
Lawrence, MA 01843  
978-302-5259  
[ken.doran451@gmail.com](mailto:ken.doran451@gmail.com)

**Date:** July 15, 2020

**To:** Bob Douglas, Conservation Director, Town of Andover [rdouglas@andoverma.gov](mailto:rdouglas@andoverma.gov)  
Don Cooper, Chairman Conservation Commission [dcooper@nixonpeabody.com](mailto:dcooper@nixonpeabody.com)  
**Cc:** Andrew Flanagan, Town Manager, Andover [aflanagan@andoverma.gov](mailto:aflanagan@andoverma.gov)  
Lynn Visell, Conservation Commission Administrative Secretary [lviselli@andoverma.gov](mailto:lviselli@andoverma.gov)

**From:** Ken Doran, *Andover's Shawsheen Riverkeeper*  
[ken.doran451@gmail.com](mailto:ken.doran451@gmail.com) 978-302-5259

**Subject:** River Access Steps at Dale Street

Dear Sir/Madam:

This letter is being written to present my prospective on the recently completed Shawsheen River access steps located at the end of Dale Street. There is now considerable discussion on various subjects concerning these steps including: their construction, location, and lack of procedural approval for construction. My specific focus here are the steps and their function to assist in accessing the river.

I believe that I am uniquely qualified to provide a prospective for this project as in 2017 I was recognized by AVIS, Andover Trails and the Conservation Commission as "*Andover's Shawsheen Riverkeeper*". The multi-jurisdictional nature of the river made this title valuable. This recognition was the result of my twenty plus years of dedicated work on the Shawsheen River to improve navigation and safety. Other activities have included the removal of 3,000 plus tires from the river and executive board member of the Shawsheen River Watershed Association (SRWA). I am currently the AVIS Warden for the Vale Reservation and an AVIS Ranger.

The Shawsheen Greenway has been making great strides in providing access to the river and promoting it as a valuable resource to the community. The installation of canoe/kayak racks provided at three locations is a very successful program which allows people to store their boats at the river. Also, in the past two years there has been multiple paddle days each summer to allow people access to the river who do not have boating equipment. Last year over 300 people participated in the events during the paddling season; however, this year due to the Pandemic all have been called off, while use of the river has never been higher.

The Dale Street canoe/kayak put-in has been used for many years by organizations and individuals. It consisted of a steep sandy bank dropping about 10 feet from the parking level to the river. It was difficult at best to use and was a challenge with heavier canoes. The new access steps are a vast improvement over what was there and provide a measure of safety and sure footing to allow you easy access to the river's edge. They are well constructed and fit nicely into the existing landscape with minimal soil disturbance. During the few days the steps were open several people who used them exclaimed on how nice they were and that they could now get access to the water. Up until their installation every boat carried down the slope carried loose soil into the river and erosion was increasing.

To put it simply, these river access steps are a substantial improvement over what was previously available and serve as one of three safe boat access locations in Andover. It is a terrible loss to the community to block their use to the public especially now with demand being so high.

We are in very trying times with the Pandemic, meetings must be done virtually, people are wanting outdoor activities, trail and river use is at an all-time high. If a quick and reasonable resolution to this procedural issue is not forthcoming from the Commission, the morale of the volunteer community will be greatly damaged. The lack of prior approval was apologized for, but the outcome is a wonderful asset to the community and it is important to move on. The very sight of the barricade to the access steps sends a very clear message to me: *No Good Deed Goes Unpunished.*

Lynn Viselli

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**From:** Robert Douglas  
**Sent:** Wednesday, July 15, 2020 9:02 AM  
**To:** Ben Ardito  
**Cc:** Benjamin Meade; Lynn Viselli  
**Subject:** RE: Dale street stairs

Thanks Ben!

**From:** Ben Ardito <benardito@yahoo.com>  
**Sent:** Wednesday, July 15, 2020 8:40 AM  
**To:** Robert Douglas <rdouglas@andoverma.gov>  
**Subject:** Dale street stairs

Hi Bob

Just wanted to pass on my support to maintain the dale street stairs. It's been a nice and needed addition to provide safe access to the river for people that need a little extra help.

I'm hoping some adjustments can be made to make it code versus a total tear down.

Sincerely  
Ben Ardito  
28 Woodhaven Drive  
Andover

Get [Outlook for iOS](#)

**Lynn Viselli**

---

**From:** Robert Douglas  
**Sent:** Tuesday, July 14, 2020 7:23 PM  
**To:** Chris Dunn  
**Cc:** Lynn Viselli; Benjamin Meade  
**Subject:** RE: Dale street stairs

Thank you Chris,  
I'm happy to share your thoughts with the Commission.  
Bob

**From:** Chris Dunn <cdunn@blue-hive.com>  
**Sent:** Tuesday, July 14, 2020 3:49 PM  
**To:** Robert Douglas <rdouglas@andoverma.gov>  
**Subject:** Dale street stairs

Hello Bob-

I am a resident of Andover and someone that enjoys our access to the Shawsheen river.

I have a canoe stored at Dale street and I was very encouraged to see some steps installed there recently. Having attempted to bring my canoe down the steep embankment previously, the new steps were a welcome addition. The previous situation felt unsafe and a bit precarious, but the stairs make it so much easier for me and one of my kids to bring the canoe to the water safely-

I see they are now blocked off and I was just hoping that "we" will be able to use them again soon-

Thank you-  
Chris Dunn  
12 prospect rd. Andover-

**Chris Dunn**

Sr. Account Executive | **BlueHive** Exhibits

\*As states reopen in phases, BlueHive office employees will continue to work remotely. BlueHive is operational Monday – Friday, 8:00am – 5:00pm. I can be reached here via email or my cell – 978-697-5255.

\*\* If you are planning an event that needs to be virtual or have a virtual component, we can help! Learn more by visiting: [sevenbeescreative.com/](https://sevenbeescreative.com/).

**Lynn Viselli**

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**From:** Robert Douglas  
**Sent:** Tuesday, July 14, 2020 7:23 PM  
**To:** David Shorey  
**Cc:** Lynn Viselli; Benjamin Meade  
**Subject:** RE: Dale Street stairs

Thank you for your Email David.

**From:** David Shorey <shoreyrealstate@gmail.com>  
**Sent:** Tuesday, July 14, 2020 3:37 PM  
**To:** Robert Douglas <rdouglas@andoverma.gov>  
**Subject:** Dale Street stairs

Hi there, I wanted to reach out about the new stairs that were installed at Dale Street launch area. We've been putting in there in the past and it's been slippery and dangerous, we were very happy to see the new stairs. I see the stairs are blocked off, I hope that the town will allow the use of the stairs in the near future to make it safer for our canoe launches Thanks so much for your time!

Best,  
Dave

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**David Shorey - The Shorey Realty Group**  
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[ShoreyRealEstate@gmail.com](mailto:ShoreyRealEstate@gmail.com)

**Lynn Viselli**

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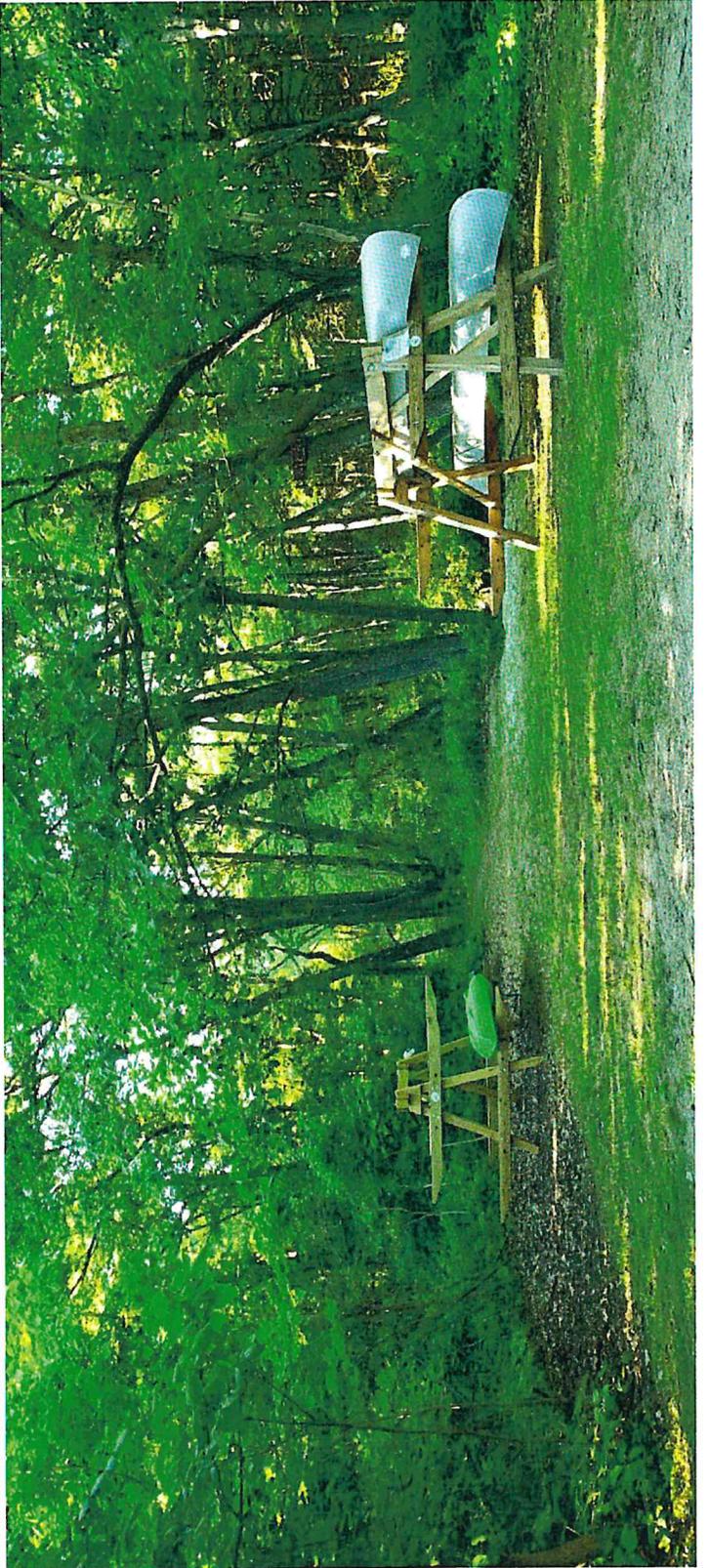
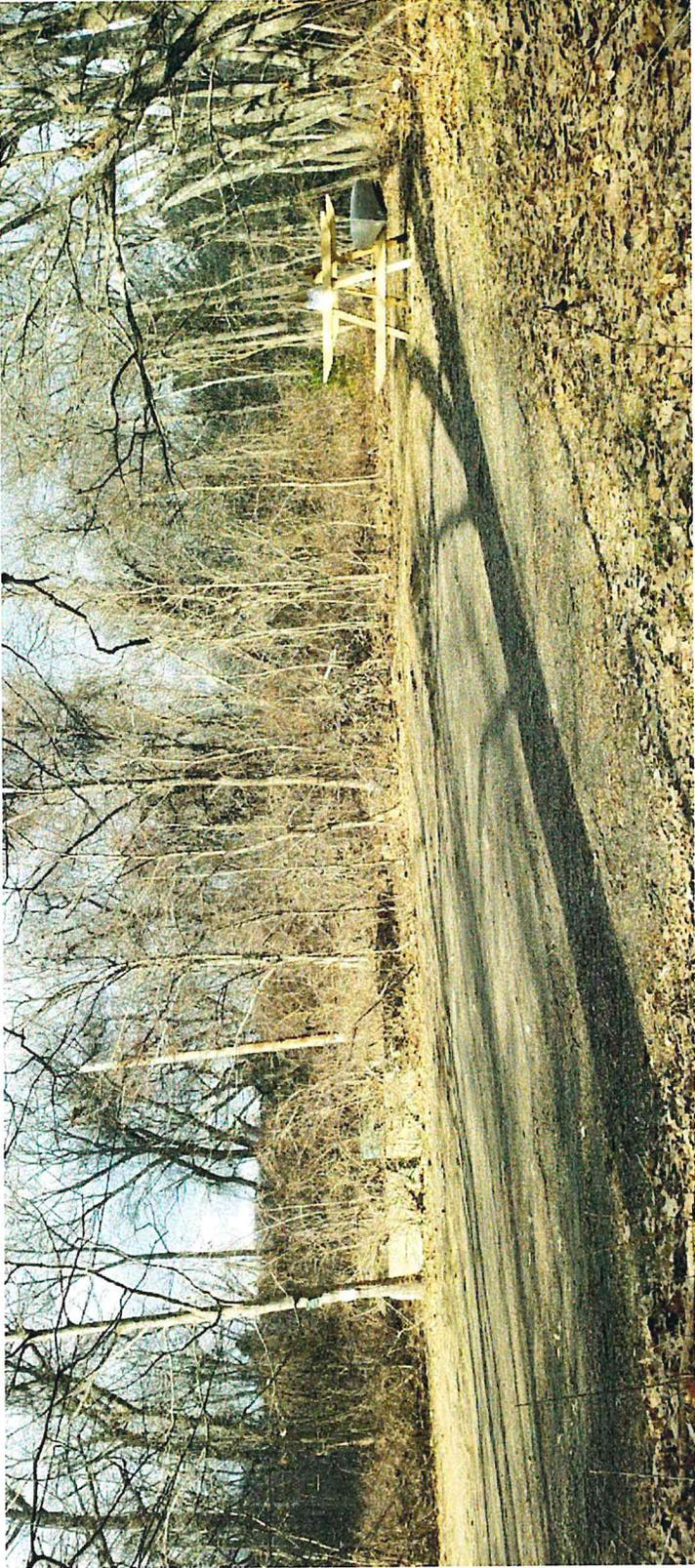
**From:** Keith Saxon <ksaxon@aol.com>  
**Sent:** Tuesday, July 21, 2020 7:06 PM  
**To:** CDPConservation  
**Cc:** Austin Simko; Lynn Viselli  
**Subject:** Comments - 39 Dale St RDA - Item #3 7/21/20 ConCom Meeting  
**Attachments:** 2ndRackNewlyInstalled.pdf; ClearedAreaCloseup.pdf; Potential Contamination.pdf

Hi Lynn,

Below are my comments regarding Item #3 on the Agenda tonite regarding the RDA for 39 Dale St.

- 1) Additional vegetative clearing for installation of a 2nd Kayak Rack should not be allowed with the inner 100' ft Riverfront Area particularly on a site that already has significant historical & ongoing impacts. This area needs to be restored ASAP and the 2nd rack removed/relocated. See 2nd Rack and Cleared Area attachments for before/after photos from this year.
- 2) Sampling should be performed in the loose disturbed soil from the stair installation beneath the former sewer outfall that served a major contaminated MCP site. See Potential Contamination attachment.
- 3) 310 CMR 10.02 is pretty clear that an NOI is required for any project that alters/impacts wetland resource areas. An RDA is inappropriate and the applicant needs to file an NOI.

Thanks,  
Keith Saxon  
15 Wethersfield Dr Andover  
781-454-5330 c







**Lynn Viselli**

---

**From:** Keith Saxon <ksaxon@aol.com>  
**Sent:** Tuesday, July 21, 2020 7:32 PM  
**To:** CDPConservation  
**Cc:** Austin Simko; Lynn Viselli  
**Subject:** Additional Comments - 39 Dale St RDA - Item #3 7/21/20 ConCom Meeting

Hi Lynn,

Additional based on discussions thus far:

1) Paul Finger would be inappropriate for a Peer Review on this project because he has a clear conflict-of-interest having been long involved in the design of the Bridge & Recreational Improvement Project project on the parcel which includes upgrading the canoe/kayak access & landing. Nevermind a long standing relationship with Mr. Golden.

No reasonable person could presume that he would be able to perform a clear and unbiased environmental review given his direct involvement and desire to have improved canoe/kayak access.

Thanks,  
Keith Saxon  
15 Wethersfield Dr Andover  
781-454-5330 c

-----Original Message-----

From: Keith Saxon <ksaxon@aol.com>  
To: conservation@andoverma.gov <conservation@andoverma.gov>  
Cc: austin.simko@andoverma.us <austin.simko@andoverma.us>; lviselli@andoverma.gov <lviselli@andoverma.gov>  
Sent: Tue, Jul 21, 2020 7:06 pm  
Subject: Comments - 39 Dale St RDA - Item #3 7/21/20 ConCom Meeting

Hi Lynn,

Below are my comments regarding Item #3 on the Agenda tonite regarding the RDA for 39 Dale St.

1) Additional vegetative clearing for installation of a 2nd Kayak Rack should not be allowed with the inner 100' ft Riverfront Area particularly on a site that already has significant historical & ongoing impacts. This area needs to be restored ASAP and the 2nd rack removed/relocated. See 2nd Rack and Cleared Area attachments for before/after photos from this year.

2) Sampling should be performed in the loose disturbed soil from the stair installation beneath the former sewer outfall that served a major contaminated MCP site. See Potential Contamination attachment.

3) 310 CMR 10.02 is pretty clear that an NOI is required for any project that alters/impacts wetland resource areas. An RDA is inappropriate and the applicant needs to file an NOI.

Thanks,  
Keith Saxon  
15 Wethersfield Dr Andover  
781-454-5330 c

---

**From:** Lynn Viselli <lviselli@andoverma.gov>

**Sent:** Monday, August 3, 2020 8:54 AM

**To:** dcooper@nixonpeabody.com; Kevin Porter <kjporter725@comcast.net>; Thomas Brady <thomasebrady@gmail.com>; Ellen Townson <ellenmtownson@gmail.com>; Jon Honea <jon.honea@gmail.com>; Floyd S. Greenwood <floyd.greewood@greewoodresearch.com>; Alix Driscoll <alixdriscoll1@gmail.com>

**Cc:** Robert Douglas <rdouglas@andoverma.gov>; Benjamin Meade <benjamin.meade@andoverma.us>

**Subject:** Revised Draft Minutes with Emails received added

Revised Minutes

Lynn Viselli,  
Conservation Administrative Secretary  
36 Bartlet Street, Andover, MA 01810  
(978)623-8630  
[Conservation@Andoverma.gov](mailto:Conservation@Andoverma.gov)